

PRODUCT: 7 25-pound cartons and 5 30-pound cartons of pecans at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and was otherwise unfit for food because of discoloration and rancidity. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 30, 1949. Default decree of condemnation and destruction.

14675. Adulteration of pine nuts. U. S. v. 60 Bags \* \* \*. (F. D. C. No. 26494. Sample No. 30765-K.)

LIBEL FILED: February 2, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about December 6, 1948, by K & S Traders, Inc., from Gallup, N. Mex.

PRODUCT: 60 100-pound bags of pine nuts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rabbit and squirrel excreta pellets and stones.

DISPOSITION: February 23, 1949. The Los Angeles Nut House, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. The nuts were run through a "destoner" and "blower" and finally hand-picked in order to remove all filth.

14676. Adulteration of pinon nuts. U. S. v. 46 Bags \* \* \*. (F. D. C. No. 26511. Sample No. 28074-K.)

LIBEL FILED: February 15, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about December 9, 1948, by A. V. Tietjen, from Gallup, N. Mex.

PRODUCT: 46 90-pound bags of pinon nuts at Trinidad, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rabbit excreta, squirrel excreta, and stones.

DISPOSITION: April 21, 1949. Joe Sawaya & Sons, Trinidad, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and brought into compliance with the law, under the supervision of the Federal Security Agency.

14677. Adulteration and misbranding of peanut butter and peanut butter kisses. U. S. v. 6 Cartons \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 26556, 26601, 26602, 26616. Sample Nos. 10836-K, 10931-K, 11429-K to 11431-K, incl.)

LIBELS FILED: February 17, 23, and 28, 1949, Northern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about November 30 and December 7, 1948, and January 27 and 31, 1949, by the British American Toffee Co., from New Haven, Conn.

**PRODUCT:** 13 cartons, each containing 24 jars, of peanut butter at Syracuse and Poughkeepsie, N. Y., and 32 cartons, each containing 24 bags, of peanut butter kisses at Middletown, Poughkeepsie, and New York, N. Y.

**LABEL, IN PART:** "Pickwick Peanut Butter Net Weight 10 Oz." and "Penolia Peanut Butter Kisses Net Wt. 14 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the peanut butter failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** March 16, 19, and 26, 1949. Default decrees of condemnation. A portion of the peanut butter kisses was ordered delivered to the Food and Drug Administration, and the remainder of this product and all of the peanut butter was ordered destroyed.

**14678. Adulteration of pecan meal. U. S. v. 28 Cartons \* \* \*. (F. D. C. No. 25140. Sample No. 8613-K.)**

**LABEL FILED:** July 28, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about January 7 and February 7, 1946, from Columbus, Ga.

**PRODUCT:** 28 50-pound cartons of pecan meal at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its distasteful, bitter flavor, rendering it unpalatable. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 18, 1948. Default decree of condemnation and destruction.

## OILS AND FATS

**4679. Adulteration and misbranding of oil. U. S. v. Stephen G. Piacitelli (Unita Packing Co.).** Plea of guilty. Fine of \$750 on count 1; sentence of 3 months' imprisonment and fine of \$500 on count 2 suspended. Defendant placed on probation for 2 years. (F. D. C. No. 26304. Sample No. 4516-K.)

**INFORMATION FILED:** January 12, 1949, District of Rhode Island, against Stephen G. Piacitelli, trading as the Unita Packing Co., Providence, R. I.

**ALLEGED SHIPMENT:** On or about November 4, 1947, from the State of Rhode Island into the State of Connecticut.

**LABEL, IN PART:** "Net Contents 1 Gallon Cream Oil Packed by Unita Packing Co. Providence, (R. I.) Corn and Olive Oil."

**NATURE OF CHARGE:** Count 1. Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the product; and, Section 402 (b) (2), a substance consisting essentially of cottonseed oil had been substituted for a mixture of corn oil and olive oil, which the product was represented to be.

Count 2. Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading since the article did not consist of corn